

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

OCT 30 2013

Clerk, U.S. District Court
District Of Montana
Missoula

JASON CHRIST,

CV 13-75-M-DWM

Plaintiff,

vs.

ORDER

STATE OF MONTANA, CITY OF
MISSOULA POLICE
DEPARTMENT, OFFICE OF THE
PUBLIC DEFENDER, DETECTIVE
STACY LEAR, and JUDGE KAREN
TOWNSEND,

Defendants.

This matter comes before the Court on a Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) brought by Defendant the Honorable Judge Karen Townsend. (Doc. 23.) Plaintiff Jason Christ filed the Complaint giving rise to this action, asserting claims under 42 U.S.C. § 1983. United States Magistrate Judge Jeremiah C. Lynch entered Findings and a Recommendation on the pending Motion on October 3, 2013. (Doc. 26.) Pursuant to 28 U.S.C. § 636(b)(1), objections to the Findings and Recommendation entered by Judge Lynch were due by October 21, 2013. No objections were filed.


The Court reviews the findings and recommendation of a United States

Magistrate Judge for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error is present only if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

After a review of Judge Lynch’s Findings and Recommendation, I find no clear error. Mr. Christ’s claims against Judge Townsend are subject to dismissal with prejudice, pursuant to Rule 12(b)(6), because Judge Townsend is entitled to judicial immunity from Mr. Christ’s federal and state law claims and Mr. Christ’s claim for injunctive relief against Judge Townsend is barred under 42 U.S.C. § 1983.

IT IS ORDERED that Judge Lynch’s Findings and Recommendations, (Doc. 26), are ADOPTED IN FULL. The Motion brought by Judge Townsend (doc. 9) is GRANTED. Mr. Christ’s claims against Judge Townsend are hereby DISMISSED WITH PREJUDICE.

DATED this 30th day of October, 2013.



Donald W. Molloy, District Judge
United States District Court

